

BILL NO. R-93-11-18

RESOLUTION NO. R-71-93

A RESOLUTION AUTHORIZING AN
EXTENSION OF THE TERM OF THE
FRANCHISE GRANTED TO COMCAST
CABLEVISION OF INDIANA, L.P. TO
OPERATE A CABLE COMMUNICATIONS
SYSTEM.

WHEREAS, pursuant to Resolution R-21-93,
attached hereto as Exhibit "A," the Common Council of the
City of Fort Wayne authorized the Fort Wayne Board of
Public Works to extend the term of the franchise granted
to Comcast Cablevision of Indiana, L.P. up to December
19, 1993; and

WHEREAS, the Franchise will expire on or about
December 19, 1993, leaving both Comcast and the City
without an effective cable communications franchise
unless the Franchise is extended; and

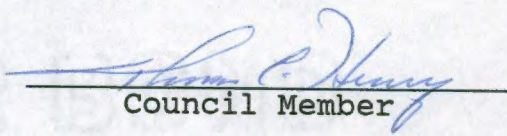
WHEREAS, the City has received timely notice
from Comcast of its intent to renew the Franchise; and

WHEREAS, the City, through its Board of Public
Works, has adopted Resolution 80-265-6 extending the term
of the Franchise up to June 19, 1994, to allow time to
complete a Franchise renewal process.

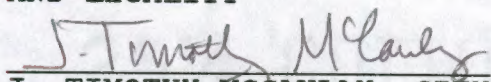
NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Resolution 80-265-6 of the
Fort Wayne Board of Public Works, attached hereto as
Exhibit "B," extending the term of the franchise granted
to Comcast Cablevision of Indiana, L.P, up to June 19,
1994, is hereby approved, ratified, and confirmed.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.


Council Member

APPROVED AS TO FORM
AND LEGALITY


J. TIMOTHY MCCAULAY, CITY ATTORNEY

BILL NO. R-93-04-23 (as amended)

RESOLUTION NO. 2-21-93

A RESOLUTION AUTHORIZING AN
EXTENSION OF THE TERM OF THE
FRANCHISE GRANTED TO COMCAST
CABLEVISION OF INDIANA, L.P. TO
OPERATE A CABLE COMMUNICATIONS
SYSTEM.

WHEREAS, on or about July 19, 1978, the City of Fort Wayne, Indiana (the "City") awarded a Cable Television Franchise to Citizens Cable of Fort Wayne, In., (hereinafter referred to as the "Franchise"), which was subsequently transferred to Comcast Cablevision of Indiana L.P. ("Comcast") for a term of fifteen (15) years; and

WHEREAS, the Franchise expires on or about July 19, 1993, leaving both Comcast and the City without an effective cable communications franchise unless the Franchise is extended; and

WHEREAS, the City has received timely notice from Comcast of its intent to renew the Franchise; and

WHEREAS, the City, through its Board of Public Works, has adopted Resolution 80-146-12 extending the term of the Franchise^{up} to December 19, 1993, to allow time to complete a Franchise renewal process.

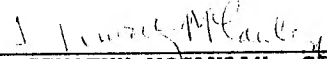
NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Resolution 80-146-12 of the Fort Wayne Board of Public Works, attached hereto as Exhibit "A," extending the term of the franchise granted to Comcast Cablevision of Indiana, L.P.,^{up} to December 19, 1993, is hereby approved, ratified, and confirmed.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.


Council Member

APPROVED AS TO FORM
AND LEGALITY


J. TIMOTHY MCCAULAY, CITY ATTORNEY

seconded by _____, and duly adopted, read the second time by _____ (and the title and referred to the Committee on _____) and Public Hearing to be held after City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 5-4-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage.
PASSED LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>7</u>			<u>2</u>
BRADBURY				<u>1</u>
EDMONDS	<u>✓</u>			
GIAQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG				<u>1</u>
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 5-11-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL) _____ (SPECIAL) _____ (ZONING) _____ ORDINANCE RESOLUTION NO. R-21 on the 11th day of May, 1993

ATTEST:

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)
Mark C. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of May, 19____, at the hour of 11:30 o'clock A, M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day of May, 1993, at the hour of 11:00 o'clock A, M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

CITY OF FORT WAYNE, INDIANA

RESOLUTION NO. 80-265-6

**AUTHORIZING AN EXTENSION OF THE TERM
OF THE FRANCHISE GRANTED TO
COMCAST CABLEVISION OF INDIANA, L.P.
TO OPERATE A CABLE COMMUNICATIONS SYSTEM**

WHEREAS, on or about July 19, 1978, the City of Fort Wayne, Indiana (the "City") awarded a cable television franchise to Citizens Cable of Fort Wayne, Indiana (hereinafter referred to as the "Franchise"), which was subsequently transferred to Comcast Cablevision of Indiana, L.P. ("Comcast") for a term of fifteen (15) years; and

WHEREAS, the City has received timely notice from Comcast of its intent to renew the Franchise; and

WHEREAS, pursuant to Resolution No. 80-146-12 passed and adopted April 21, 1993, the City extended the franchise to December 19, 1993; and

WHEREAS, the City acknowledges that Comcast will not, by virtue of accepting an extension of the Franchise term, waive any of its renewal rights under Section 626(a) through Section 626(g) of the Cable Communications Policy Act of 1984, as amended, ("Cable Act"); and

WHEREAS, the Franchise expires on or about December 19, 1993, leaving both Comcast and the City without an effective cable communications franchise unless the Franchise is extended; and

WHEREAS, the City and Comcast desire to extend the term of the Franchise to allow time to complete a Franchise renewal process.

NOW, THEREFORE, be it resolved by the City Council of the City of Fort Wayne that:


1. The City hereby authorizes Comcast to operate the cable television system in Fort Wayne, in full compliance with all of the terms and conditions of the Franchise, for a period commencing on the expiration date of the Franchise and continuing through either the date on which the Franchise is renewed, or June 19, 1994 whichever shall first occur;

2. During said period, the City and Comcast shall have all of the rights and obligations of "City" and "Grantee", respectively, under the Franchise;

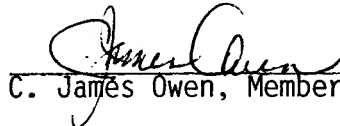
3. During said period, the City and Comcast shall work together in good faith to renew the Franchise;

4. This Resolution shall become effective upon the occurrence of both of the following conditions: (1) The Resolution being passed and adopted by the Fort Wayne Board of Public Works; (2) the approval of this Resolution as passed and adopted by the Fort Wayne Board of Public Works by Fort Wayne's Common Council; and (3) Comcast's acceptance of the extension of the Franchise as provided in this Resolution (the "Extension") for the term specified in paragraph (1) above, provided Comcast accepts the Extension within seven (7) days from the date this Resolution is approved by the Fort Wayne Common Council.

Adopted on this 17 day of Nov., 1993.



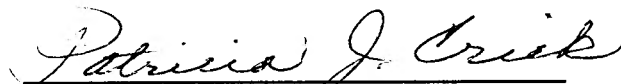
Charles E. Layton, Director
Board of Public Works



C. James Owen, Member

Katherine A. Carrier, Member

ATTEST:



Patricia J. Crick, Clerk
Board of Public Works

We hereby acknowledge Fort Wayne, Indiana, Resolution No. _____ ("Resolution") and the extension of the Franchise attached hereto and referenced in the Resolution ("Franchise") and we do hereby accept the terms of the Resolution and agree to be bound by the terms of the extension in accordance with the terms of the Resolution.

Dated: 11/18, 1993

COMCAST CABLVISION OF INDIANA,
INC.

By: Comcast Cable of Indiana,
Inc.

Its: General Partner



By: Linda Hossinger

Its: General Manager

Read the first time in full and on motion by Lunsey, seconded by Lunsey, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 11-23-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Lunsey, seconded by Lunsey, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GIAQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 12-14-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. R-71-93 on the 14th day of December, 1993

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

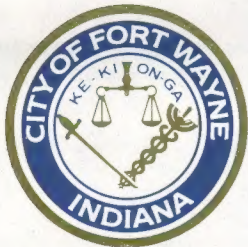
Mark C. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of December, 1993, at the hour of 2:00 o'clock P, M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 16th day of December, 1993, at the hour of 11:15 o'clock P, M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR



THE CITY OF FORT WAYNE



Paul Helmke
Mayor

DATE: November 22, 1993

TO: Fort Wayne Common Council

FROM: Linda Buskirk
Cable Franchise Advisory Committee

SUBJECT: Comcast contract extension request

R-93-11-18

In April, 1993, the Fort Wayne Common Council extended the franchise contract between the City of Fort Wayne and Comcast Cablevision of Indiana L.P. by five months, to expire on December 19, 1993. The purpose of that extension was to allow the City time to continue its informal process of renewing the franchise contract with Comcast.

The City issued its "Request for Proposal" for the franchise renewal on August 27, 1993, which requested that Comcast submit its response within 45 days. Comcast asked for an extension of that time, and the City gave the company until November 1, 1993, to submit its application.

The Cable Franchise Advisory Committee was confident that a final agreement could be reached between November 1 and the December 19, 1993, expiration of the Comcast franchise contract. However, the application/response submitted by Comcast on November 1, 1993, did not address most of the issues that must be included in a new franchise agreement.

Therefore, in order to guarantee additional time for the advisory committee and the Mayor to reach the best possible franchise agreement for the citizens of Fort Wayne, additional negotiation time is necessary. That is why City Council is being asked to approved this six-month extension of the Comcast franchise contract. The new date for the current franchise contract to expire will be June 19, 1994, if Council approves this extension.

An Equal Opportunity Employer
One Main Street, Fort Wayne, Indiana 46802

DIGEST SHEET

TITLE OF ORDINANCE RESOLUTION

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS

SYNOPSIS OF ORDINANCE AUTHORIZES COMCAST TO OPERATE THE
CABLE TELEVISION SYSTEM IN FORT WAYNE THROUGH EITHER THE
DATE ON WHICH THE FRANCHISE IS RENEWED OR JUNE 19, 1994;
WHICHEVER OCCURS FIRST.

EFFECT OF PASSAGE ALLOWS COMCAST TO OPERATE THE CABLE
TELEVISION SYSTEM IN FORT WAYNE UNTIL FRANCHISE IS
RENEWED.

EFFECT OF NON-PASSAGE LEAVES THE CITY WITHOUT A CABLE
COMMUNICATIONS FRANCHISE.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS)

ASSIGNED TO COMMITTEE (PRESIDENT)

BILL NO. R-93-11-18

REPORT OF THE COMMITTEE ON
FINANCE

ARCHIE L. LUNSEY & DONALD J. SCHMIDT - CO-CHAIRPERSONS
HENRY, EDMONDS, LONG

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS
REFERRED AN (~~ORDINANCE~~) (RESOLUTION) AUTHORIZING AN EXTENSION
OF THE TERM OF THE FRANCHISE GRANTED TO COMCAST CABLEVISION OF INDIANA,
L.P. TO OPERATE A CABLE COMMUNICATIONS SYSTEM

HAVE HAD SAID (~~ORDINANCE~~) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(~~ORDINANCE~~) (RESOLUTION) _____

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Archie L. Lunsey
Donald J. Schmidt
Henry
Edmonds
Long

Clitus R. Edmonds

DATED: 12-14-93

Sandra E. Kennedy
City Clerk